

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare-Adilabad District- Revision Petition filed by Sri Katu Bheemaiah S/O Rajaiah R/O Nelki Venkatapur (V) Dandepalli (M) Adilabad District under Sec 6 of A.P.S.A.L.T.R 1959 against the Orders of the Additional Agent to Government in Case No: A4/LTR/05/2005 Dated: 06-03-2007 -Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O.Ms No:148

Dated:19-07-2008.

Read the following:-

1. From Sri Katu Bheemaiah through his counsel Sri Surender Reddy, Revision Petition Dated: 28-03-2007.
2. Government Memo No: 2273/LTR2/2007-1 Dated: 11-04-2007.
3. From the Project Officer , ITDA Uttnoor , Lr.No: A4/05/2005 , Dated: 28-04-07.
4. Government Memo No: 2273/LTR2/2007 Dated: 03-09-2007, 16-11-2007 & 18-03-2008.

ORDER:

In the reference first read above Sri Katu Bheemaiah S/O Rajaiah has filed a Revision Petition before the Government against the Orders of Additional Agent to Government in Case No: A4/LTR/05/2005 dated: 06-03-2007 in respect of Acres 1.70 cts in Sy.No: 317 situated at Nelki Venkatapur (V) Dandepally (M) Adilabad District. The Main Grounds made of the Revision Petition among others are:

- i) The petitioner was not given chance of personal hearing but all of a sudden on 29-12-2004 , the 2nd respondent (i.e Special Deputy Collector (TW) Uttnoor) passed ejectment order suo-motto without complaint from any corner, though the petitioner's family purchased the land in the year 1969.
- ii) Though the petitioner produced the vendor as witness before the 2nd respondent i.e Special Deputy Collector (TW) Uttnoor and he clearly stated that he sold the land much prior to the Act 1/70 came into force, both the lower and appellate authorities did not consider the evidence, and
- iii) The Nelki Venkatapur village will not come under Scheduled Area and hence attracting provisions of the Act does not arise.

2. The Brief history of the case is that the Special Deputy Collector (TW) Uttnoor initiated the case on the report of the Dy. Tahsildar vide case No: A4/LTR/05/05 Notice was issued to the Sri Katu Bheemaiah S/O Rajaiah in respect of 1.70 Acres of land in S.No:317 of Nelki Venkatapur (V) of Dandepalli (M) of Adilabad District who had purchased the land from Sri Bodakunta Srihari S/o Laxmaiah the Special Deputy Collector (T.W) issued notice to show cause as to why he should not be ejected from the Scheduled Petition land issued. After giving considerable time Sri Katu Bheemaiah appeared in the court on different dates but failed to produce the documentary evidence in support of his claim of purchase since 1969. The Special Deputy Collector (T.W) after due examination of the pahanies held that as per revenue records i.e pahanies, respondent (petitioner herein) Katu Bheemaiah was cultivator in the extent of Acres 1.70 in Survey No: 317 in Nelki Venkatapur (V) of Dandepalli (M) on Adilabad District, from 1993-94. The 1st respondent (Petitioner herein) submitted claim stating that he purchased the land during 1969 through an ordinary sale deed i.e 15-04-1969 which was not supported by pahani at all. Thus, it was held that the respondent i.e petitioner herein came into possession of suit land after 3-2-1970 in Nelki Venkatapur, which is notified scheduled village in Dandepalli Mandal of Adilabad District, in violation of provisions of sec 3(1) of APSALTR 1959, as amended by Act 1/70. In exercise of the powers conferred by him Under Section 3(2) of A.P.S.A.L.T.R, 1959 the Special Dy. Collector (TW) ordered ejectment vide case No:TWA1/45/2004 Dated: 29-12-2004 and the land was taken into Government custody. Aggrieved by these Orders of the Special Deputy Collector (T.W) Uttnoor, the petitioner had filed an appeal before the Agent to Government & Project Officer ITDA Uttnoor. The Agent to Government after giving sufficient time to both the parties finally heard the case on 06-03-2007, after examining the records with reference

to the lower court and came to conclusion and delivered order vide A4/LTR/05/2005 dated:06-03-2007 where in the Additional Agent to Government held that the Sada sale deed dated:15-04-1969 was made on stamp paper worth Rs.1.50 ps. According to the sada agreement, Smt Katu Kanthamma i.e mother of the Revision Petitioner purchased the suit land from Sri Bodakunta Lakshmaiah S/O Mallaiah and his son Bodakunta Srihari jointly. There was no other authentic documentary proof submitted to prove that the transaction took place prior to 3-02-1970. Hence, the sale agreement dated: 15-04-1969 was treated as fabricated to misguide the court. The basic revenue record i.e pahani clearly shows that the appellant i.e petitioner herein came into occupation of said land in the Year 1993-94. Hence, the Additional Agent to Government upheld the orders of the Special Deputy Collector (TW)in Proceedings No:A4/LTR/05/2005 dated:6-03-2007. Aggrieved by these orders Sri Katu Bheemaiah S/O Rajaiah filed a Revision Petition through the reference 1st read above before the Government and also requested to grant stay from dispossession from the suit land.

3. In the reference 2nd read above, the Additional Agent to Government, Utnoor, Adilabad District was requested to furnish Parawise remarks and case records , Stay was also granted to the petitioner from dispossession from the suit land till the disposal of the Revision Petition .The Additional Agent to Government , Utnoor furnished Parawise remarks and records vide reference 3rd read above. Notices were issued to the concerned to attend the hearing of the Revision Petition on 17-09-2007, 20-11-2007 and finally on 18-03-08. The counsel for the petitioner was present and submitted arguments corroborating with the grounds urged in the Revision Petition.

4. Government, after careful examination of the material evidence on record found that:

- i) If the revision petitioner really purchased the land on 15-4-1969, there should have been corroborative evidences in the revenue records. But, as per basic revenue records i.e pahanies, the revision petitioner came into occupation in the year 1993-94. Hence, the unregistered agreement dated15-04-1969 found to be fabricated to circumvent proceedings under LTR.
- ii) The unregistered document cannot be taken as evidence in the light of the judgement of the Hon'ble High Court of A.P Hyderabad in WP No:1087/96 dated:10-08-1998 in Bangaru Ram Tulasamma vs Yada Mastan Reddy that unregistered and unstamped documents cannot be taken as an evidence of proof according to Section 17-B of the Registration Act.
- iii) The appellate authority i.e Additional Agent to Government & Project Officer ITDA Utnoor clearly clarified that Nelki Venkatapur village is a notified scheduled village in Dandepalli Mandal of Adilabad District, while another Venkatapur, a non-agency village is situated in erstwhile Chennur Taluq and presently under Mandamarri Mandal. Hence, provisions of LTR will apply to Nelki Venkatapur village.

5. Government, after perusal of the case records hereby upheld the Orders of the Additional Agent to Government & Project Officer ITDA Utnoor Adilabad District in case NO:A4/LTR/05/2005 dated:06-03-2007 and dismiss the Revision Petition accordingly. The stay granted in Government Memo No:273/LTR2/2007 Dated: 11-04-2007 shall become inoperative.

6. The counsel for the petitioner is requested to inform his clients accordingly. The Collector, Adilabad District/ Additional Agent to Government and Project Officer, I.T.D.A Utnoor are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY
PRL.SECRETARY TO GOVERNMENT**

To:

The Collector, Adilabad District

(With RPAD for the following records)

1. LTR Case file NoTW A1/45/2004.
2. Agent to Government Utnoor in Case No: A4/LTR/05/2005 .

The Additional Agent to Government & Project Officer , I.T.D.A ,
Utnoor, Adilabad District.
Sri S.Surender Reddy, Flat No: 16, Block No: 33, MIG-II,
Baghlingampally, Hyderabad-500044.
Katu Bheemaiah s/o Rajaiah,
R/O Nelki Venkatapur (V) Dandepalli(M) Adilabad District.
Bodakanta Srihari s/o Laxmaiah,
R/O Nelki Venkatapur (V) Dandepalli(M) Adilabad District.

//FORWARDED BY ORDER//

SECTION OFFICER